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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,747	01/24/2001	Donald J. Kadyk	13768.141	3863
22913	7590	12/31/2003	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			TO, BAOQUOC N	
		ART UNIT		PAPER NUMBER
		2172		
DATE MAILED: 12/31/2003				

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/768,747	DONALD J. KADYK
	Examiner Baoquoc N To	Art Unit 2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 and 10 is/are pending in the application.
  - 4a) Of the above claim(s) 9, 11 and 13 is/are withdrawn from consideration.
- 5) Claim(s) 12 and 14-39 is/are allowed.
- 6) Claim(s) 1-8 and 10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78:
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Prosecution Application*

1. The request filed on 11/25/03 for a Request For Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 09/768747 is acceptable and a (RCE) has been established. An action on the REC follows.
  
2. Claims 1-8 and 10 are pending and claims 12 and 14-39 are allowed in the previous office action.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al. (US. Patent No. 6,119,167).

Regarding on claim 1, Boyle teaches in an environment that includes a message server storing first message data and a message client storing second message data, a method for enabling synchronization of the second message data with the first message data, while accounting for one or more update notification that either may or may not have been received by the second device and while accounting for any difference in how the first device and second device storage data, the method comprising:

An act of making a change in the first message data, wherein the change is divided into a first portion (first notification) and at least a second portion (second notification), such that the first portion and the at least second portion comprise different portions of the first message data (col. 6, lines 66-67 and col. 7, lines 1-7);

An act of sending a first notification (one notification) to the message client, the first notification including both the first portion (of the change and a first token identifying the first portion of the change (col. 7, lines 3-4);

Upon receiving the first token, sending the second notification (other notification) to the message client, the second notification including both the at least second portion of the change and at least a second token identifying the at least second portion of the change (col. 7, lines 4-5); and

Boyle does not explicitly teach upon the failing to receive the first token from the message client, resending the first notification along with the second notification to the message client. However, Boyle teaches “UGP calls for the retransmission of the a Client Request if a response has not been received within a certain amount of time. The actual amount of time is a tunable parameter that should be set somewhere between 5-15 seconds. Retransmission will continue until either the request is canceled by the user, or a response received” (col. 4, lines 7-12). The claim limitation only claims that in the event of failure, the reference states that if the acknowledgment is not received in the time interval the retransmission if resend. This clearly fit the claimed matter. Since, Boyle discloses the two part notifications, in the event that the acknowledgment is not receive, Boyle also resend the first and the second notification

to the clients. Therefore, it would have been obvious to one ordinary skill in the art the time of the invention was made to include the receive acknowledgement to resend the messages as taught by Boyle in order to guarantee the transmitted messages being received by the client.

Regarding on claim 2, Boyle teaches the act of resending the change to the message client includes the acts of resending the token to the message client (col. 5, lines 60-65).

Regarding on claim 3, Boyle teaches the act of sending a notification is performed over an unreliable communication channel (wireless channel) (col. 6, lines 60-61).

Regarding on claim 4, Boyle teaches the unreliable communication channel comprises a wireless communication (col. 5, lines 40-43 and col. 6, lines 60-61).

Regarding on claim 5, Boyle teaches the acts of receiving a synchronization request and resending the change are performed over a reliable communication channel (TCP Internet Protocol) (col. 6, lines 55-57).

Regarding on claim 6, Boyle teaches the token is unique to the message server (col. 5, lines 60-65).

Regarding on claim 7, Boyle teaches the act of comprising the token, wherein the compressed token is unique to the message device (col. 5, lines 60-65).

Regarding on claim 8, Boyle teaches the server data include at least one of contact data, calendar data, task data, and email data (new mail message) (col. 6, lines 65-67).

Regarding on claim 10, Boyle teaches the message client comprises one of a portable personal computer (handheld device) (col. 5, line 25), a cellular telephone, a pager, and a personal digital assistant.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miller et al. (US. Patent No. 6,192,410)      Date: 02/20/2001

As disclosed by Miller, an e-mail system sends messages with attachment which is a portion according to claimed invention. Miller's system also employs failure detection trigger for a retransmission process same as the last limitation of the claim 1. This is a 103 (a) rejection if the reference applies.

***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at (703) 305-9790.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

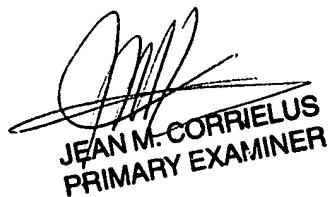
(703) 872-9306 [Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II  
2121 Crystal Drive  
Arlington, VA 22202  
Fourth Floor (Receptionist).

Baoquoc N. To

Dec 23, 2003



JEAN M. CORRIELUS  
PRIMARY EXAMINER